

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7223 OF 2005

Shankar Hari Gothankar Petitioner

versus

Vijay Rama Gothankar & anr..... Respondent.

Shri Amit B. Borkar for the petitioner

Shri P.D.Dalvi for respondent no.1.

CORAM; A.P. DESHPANDE, J.

DATED; 07TH AUGUST, 2007

P.C.;

1. The present petitioner has instituted a suit for injunction simplicitor seeking to restrain the respondent from obstructing the peaceful possession of the petitioner over the suit property. The trial court dismissed the suit by a judgment and decree dated 27-6-2001. The petitioner filed a Misc. Application before the First Appellate Court for seeking condonation of delay in filing the appeal. The delay was of about 461 days. First Appellate Court recorded evidence and on appreciation of evidence has recorded the finding that the petitioner has failed to show sufficient cause for belated filing of the appeal.

2. Perused the order. The same does not call for any interference in exercise of writ jurisdiction, as the

first appellate court has taken a possible view of the matter. Even otherwise as the relief asked in the suit was only for an injunction it can be safely said that the petitioner will not be prejudiced on account of refusal to interfere with the impugned order. In the result, writ petition fails and is summarily dismissed.

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